

THE COMMONWEALTH.

Fayette Circuit Court—August Term, 1857.

Hagan vs. Dudley.

OPINION OF JUDGE GOODLOE.

This action is brought by Hagan to recover damages of Dudley for denying him the privilege of voting, at the second election precinct, in the city of Lexington, at the late August election. The petition alleges, that the plaintiff is a free white male person above the age of twenty-one years, and had, previous to his application to vote, continuously resided one year next preceding the election in the second election precinct, in the city of Lexington, and had on the 24th July, 1857, been naturalized under the act of Congress, by the City Court of Lexington; all of which was proven to the satisfaction of the judges and the defendant—and that the judges differed in opinion as to the plaintiff's right to vote, and that the duty devolved upon the defendant, as Sheriff to decide, and that the defendant, with the intent unlawfully to deprive the plaintiff of the exercise of his right to vote, willfully and knowingly prevented him from voting.

To this petition the defendant demurred—assigning for cause under the Code: 1st. The petition does not allege facts sufficient to constitute a cause of action. 2nd. The City Court of Lexington had no power to hear applications and grant certificates of naturalization, and 3rd. That the residence of the plaintiff, since the grant of his certificate, was not sufficient to entitle him to vote.

These several grounds of demurrer will be considered in the order in which they are presented. Without considering the first cause of demurrer in that enlarged sense which would include the other two, the narrower view of it presents two questions: 1st. May a legal voter maintain a civil action against the officers of elections for refusing him the right to vote; and 2nd. As the defendant acted in a judicial capacity, are the allegations of the petition sufficient to charge him.

In considering the first of these questions, it is to be regretted that so little is to be found either in the reports or elementary works in the form of direct authority. The only authority I have been referred to, or am able to find, is the case of *Asbury vs. White*, reported in 2nd Lord Raymond's Reports, page 938. When that case was before the King's Bench, three out of the four judges decided against the action, and although it was afterwards reversed in the House of Lords by a large majority, the decision had only the sanction of four of the twelve Judges—and whilst, therefore, the case is to be regarded in England as authoritative, in favor of the action, it is of little weight in this country, where American courts, and is certainly not authoritative. I think, however, upon general principles, the action is maintainable. In this country the right of the qualified freeman to vote, is a legal vested right. It is his legal franchise. Through it he has not only the right to have his voice in the selection of those who are to pass laws affecting his life, liberty, property, and reputation—but all those who exercise these laws. It pertains to his dignity as a freeman. Considered in this light, it is not a matter of property or profit, and it does not appear that he has sustained any pecuniary injury—neither is a man's reputation technically a matter of property or profit—yet he may maintain an action of slander, without alleging pecuniary injury. The violation of his right to his good name entitles him to a remedy.

In the language of Chief Justice Holt, "it is a vain thing to imagine a right without a remedy; want of right and want of remedy are reciprocal." 2nd. In deciding upon the plaintiff's right to vote, the defendant acted in a judicial capacity. The statute devolves upon the sheriff the duty of deciding when the judges differ, and in making this decision he is acting as a judge of the election, and is entitled to all the protection which the law extends to other judicial officers, acting within the scope of their jurisdiction. But it is well settled that if a judge, in a case legally before him, decides wrong, with the corrupt intent to injure either of the litigating parties, he is liable to the action of the party aggrieved. The petition charges the defendant with willfully and knowingly deciding wrong, with the intent to deprive the plaintiff of his right to vote. Is it essential that he should have super-added the word "corruptly"? I think not. If the decision was given willfully and knowingly wrong, with the intent charged—it constitutes legal corruption. I am of opinion, therefore, that the first cause of demurrer, in the sense I have considered it, is insufficient to defeat the plaintiff's action.

The second cause of demurrer, involves a very grave question, the decision of which I will willingly avoid, if I can do so before me permitted. It calls in question the uniform action of many of the State Courts for more than a half century, and involves the elective right of a large number of persons who have heretofore been considered legal voters, as also extensive rights of property. But still, if all this action has been without lawful authority, and all these supposed rights unfounded in law, I have no right to make the defendant the victim of it, and he has a right to demand my best judgment upon the legal question, his conduct, irrespective of this usage, or how it may affect others. The question upon this cause of demurrer arises under a proper construction of written laws, and no length of usage or practice against the law can abrogate or modify it—but can at most only furnish persuasive evidence of what the law is, and inspire caution in reaching a contrary conclusion. A contrary doctrine would subvert the foundation of all law, and enable usage against law to prevail over the law. Let us proceed, then, in the light of fair exposition of the written laws, aided by authoritative judicial expositions, to examine this question.

The City Court of Lexington, created by the act incorporating that city, is constituted a Court of Record, with a seal and clerk, and is vested with a limited common law jurisdiction, in certain cases arising within the city limits. Its various subjects of jurisdiction are specifically enumerated in the act, and include the trial of civil law misdemeanors, penal statutes, and ordinances—the arrest and binding over of criminals for final trial in the Circuit Court, and the civil jurisdiction of a justice of the peace. It possesses under the State law no jurisdiction beyond what is enumerated in the charter, and it may be safely assumed, that the right to admit aliens to citizenship, is not one of its enumerated cases of jurisdiction, and if it possesses any power or authority in this respect, it derives it from the act of Congress, approved 12th April 1802, and not from any law of the State, either granting or allowing it.

Waiving the question, whether this City Court, with its limited common law jurisdiction, is a Court of "Common Law jurisdiction" within the meaning of the act above referred to, of which I have serious doubts, the more important question arises, has Congress, under the Constitution, the power to confer this authority or jurisdiction upon the City Court of Lexington; and this involves the further enquiry as to the nature of the power exercised in naturalizing aliens under the act of Congress.

By recurring to the act of 1802, it will be perceived that the determination of the question, whether or not an alien shall become a citizen, is referred to a Court of Record, having a seal and clerk, and common law jurisdiction, and before such a Court the alien must appear and satisfy the Court, that he has two years previously, before a similar Court or its clerk, declared his intention to become a citizen of the United States, and shall further satisfy the Court by proofs, that he has resided five years in the United States, one year, preceding his application, in the State where he applies, that he has behaved as a person of good moral character, is attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and it is upon these facts in favor of the applicant, that it is authorized to admit him to citizenship, by administering to him the oath of allegiance to the Government of the United States. Here, then, is an

application that is to be made to a Court in which witnesses are to be sworn, law and fact decided, constituting every element of a judicial case. And is it not clearly such? In the case of *Graham vs. Luckett*, 6 B. Monroe, Judge Marshall says, "Whenever a matter is referred to a Court, involving the finding of a fact or decision of a question of law, the power is judicial." Hence it has been held in this State, that the appointment of an administrator, removal of a jailor, or guardian, the ex parte probate of a deed when required to be done in Court, are judicial and not ministerial or executive acts. But the authority of the Supreme Court of the United States upon this precise question, is clear and decisive. In the case of *Spratt vs. Spratt*, 4 Peters, the question directly arose upon the character of this process of naturalization. In that case the record of naturalization did not show that all the requisites of the statute had been complied with, except from general recitals in the certificate, and it was argued by Cox, that the process of naturalization, was ministerial and not judicial, and being ministerial, in the absence of proof that every step was regular, the certificate was void, and did not constitute the holder a citizen. On the other hand it was argued by Jones & Key, that the process was judicial, and being such, every presumption should be indulged to support it. &c. Upon this question Ch. J. Marshall, in delivering the opinion of the Court, said, "The various acts upon the subject, submit the decision of the rights of aliens to admission as citizens to Courts of Record. They are to be reviewed, tested, to be complied with the laws, and to judge on both law and fact. This judgment is entered on record as the judgment of the Court. It seems to us to be in legal form, to close all inquiry, and like every other judgment, to be complete evidence of its own validity."

On such conclusive authority, I am not at liberty, therefore, to reach any other conclusion than, that the process of naturalization is judicial, and can only be entertained by Courts having jurisdiction to do so.

The question remains, is it competent for Congress, under the Constitution, to confer jurisdiction upon the State Courts. In the consideration of this question, it is to be assumed that the power of Congress, over the subject of naturalization is plenary and exclusive, and the States possess no authority, independent or concurrent, in relation to it; *Chin vs. Chirac*, 2 Wheaton, 255; 2 Story on the Constitution, sec. 1102. Being a subject, then within the exclusive jurisdiction of Congress, which has been regulated by a law of Congress, constituting them judicial cases, it might be well asked, if the judicial power of the United States over them was not alike exclusive. But I do not consider it necessary to discuss this question. If it be conceded that the State Courts may exercise a concurrent jurisdiction, the conclusion must be the same. Congress may permit this concurrence of jurisdiction, but cannot confer it. The Government of the United States is one of limited powers, and can only exercise such as are plainly granted or are necessary to execute the granted powers. It has authority to vest its judicial power in United States Courts, and there is no grant of power to vest any portion of it in State Courts. Nor does it possess any such implied power. It has express authority to create Courts of its own, *ad libitum*, and it would be difficult to imagine a necessity in this respect, which it could not supply from its own plainly granted powers. But this question has been so directly and authoritatively settled, both by the Supreme Court of the United States, and the Court of Appeals of Kentucky, as to leave no longer an open question.

In the case of *Houston vs. Moore*, 5 Wheaton, 27, Justice Washington says, "There are many acts of Congress which permit jurisdiction over the offences, therein described, to be exercised by State magistrates and Courts, not, I presume, because such permission was considered to be necessary under the Constitution in order to vest a concurrent jurisdiction in those tribunals; but, because, without it, the jurisdiction would have been vested in the National Courts by the judiciary act, and consequently could not be otherwise exercised by the State Courts; for I hold it to be perfectly clear, that Congress cannot confer jurisdiction upon any Courts but such as exist under the Constitution and laws of the United States, although the State Courts may exercise jurisdiction on cases authorized by the laws of the State, and not prohibited by the exclusive jurisdiction of the Federal Courts. See also *Martin Lessee vs. Hunter*, 1 Wheaton, 304; 1 Peters, 546.

In the case of *Haney vs. Sharp*, 1 Dana, Ky. Reports, 422, which was a proceeding in the State Court to enforce a penalty under an act of Congress, Ch. J. Robertson says, "The Courts of this State, deriving their jurisdiction, as they do, from the authority of the State, cannot take cognizance of a penal case arising under an act of Congress; and the law of this Commonwealth had given the right to do so, and the general government had, by act of Congress, also consented. In such a case as this, no tribunal of the State has inherent or concurrent jurisdiction." &c. See also, *United States vs. Lathrop*, 17 Johnson, N. Y. Reports, Jackson vs. Row, Liegins Va. Reports, Ex parte Pool, &c. All of these cases proceeded upon the distinct ground, that in the absence of State law, Congress cannot confer jurisdiction upon the State Courts. It can only permit State Courts which are competent for the purpose, and have an inherent jurisdiction adequate to the case, to entertain suits in the given cases, and no respectable authority has been found to the contrary. But I am referred to the following expression, which is to be found in the opinion of Judge Story, in the case of *Prigg vs. Pennsylvania*, 16 Peters, 622, "As to the authority, so conferred upon State Magistrates (by Federal Slave Law) whilst a difference of opinion has existed, and may still exist on the first point, none is entertained by this Court, that State magistrates may, if they choose, exercise that authority, unless prohibited by State Legislation." I see nothing new or conflicting in this. By referring to the opinion at length, it will be seen that the Court expressly recognized the jurisdiction of the State magistrates under the Federal Slave Law, and in this dictum no allusion was made to the question under consideration, but to the other and different one, whether Congress could compel a State magistrate to exercise his State jurisdiction, where it was necessary to carry into effect the provisions of the United States Constitution, or an act of Congress, and the only point decided was, that it was obligatory with the State magistrates, even though they had jurisdiction, to do so.

Such is not the doctrine in regard to the Federal Judiciary, in the execution of the laws of Congress, or of the State judiciary, in regard to State laws. Parties having a right to invoke their action, may demand it, and the Court has no right to decline it. Their duty is not optional, but imperative. Nor is it to be inferred from this dictum, that it was intended by the Court to sanction the doctrine, that the action of a State Court, although authorized by an act of Congress—yet for the want of State Legislation, without jurisdiction—possessed any validity whatever. Upon this subject, Judge Trimble, in the case of *Elliot &c. vs. Piersol &c.*, 1 Peters, 340, says, "Where a court has jurisdiction, it has a right to decide every question which occurs in the cause, and whether its decision be correct or otherwise, its judgment until reversed, is regarded as binding upon the parties. But if it act without jurisdiction, its judgment and orders are regarded as nullities. They are not voidable, but simply void and form no bar to a recovery sought even prior to a reversal, in opposition to them. They constitute no justification, and all persons concerned in executing such judgments or sentences are considered in law as trespassers. This distinction runs through all the cases on the subject, and it proves that the jurisdiction of any Court exercising authority over the subject, may be inquired into, in any Court, when the proceedings of the former are relied on, and brought before the latter, by the party claiming the benefit of such proceedings."

Again, I am referred to the case of *Campbell vs. Gordon*, 6 Cranch and *Starke vs. Chesapeake Ins. Co.*, 7 Cranch, and divers decisions in the State Courts of Virginia, New York, Maryland and South Carolina, as in conflict with the views here expressed. A very brief examination will show that these cases have no bearing upon the question. First, it is to be remarked, that none of them is this question alluded to decided. Secondly, it did not arise in any of them. In the

case of *Campbell vs. Gordon* the alien was naturalized in a District Court of Virginia, and in the case of *Starke vs. the Chesapeake Ins. Co.*, the naturalization took place in a Court of Pennsylvania, and in the other cases the naturalization took place in the State Courts of the respective States in which they were reported. All these naturalizing Courts were Courts of general common law jurisdiction, and all of them had jurisdiction under a State statute passed before the adoption of the Federal Constitution. Now, although the laws of Congress superseded these several State statutes as to the mode of constituting aliens citizens they did not in express terms take away this antecedent jurisdiction of the State Courts limited in express terms authorized its exercise.

Now the question whether the State Courts can exercise an antecedent jurisdiction, concurrently with the United States Courts, upon those subjects over which Congress, under the Constitution, has the exclusive power of legislation, is very different from the one, whether Congress can confer jurisdiction, in the same class of cases, upon the State Courts which never had such antecedent jurisdiction, and none subsequently conferred by State law. Respectable authority may be found in support of the former proposition, (such as *Collett vs. Collett*, 2 Dallas and the cases I am considering), whilst nothing beyond a loose and inconsiderate practice, has been referred to, or found in support of the latter proposition. And must I give such authoritative weight to this practice, as to make a citizen in damages for disregarding it as having the force of law, and that, too, in the face of the decisions of the Supreme Court of U. S., and Court of Appeals of Kentucky, before quoted? I think not.

In discussing the question whether it was competent for Congress under the constitution to confer jurisdiction upon the State Courts, I do not intend to be understood as deciding that it has in express terms been done so by the act of 1802, or that the framers of that act in referring these applications to certain State Courts, intended any more than to waive the exclusive jurisdiction of the United States Courts and permit those State Courts which could rightfully do so to exercise a concurrent jurisdiction. I have considered this question of constitutional power because the plaintiffs counsel relied upon it to sustain his title to citizenship, and also because in the absence of State law giving jurisdiction, it might be implied from the language of the act of 1802. A decision against the power negatives the implied jurisdiction of the City Court as effectually as if the jurisdiction was attempted to be given in express terms and disposed of the plaintiffs title to citizenship without settling the proper construction of the act of 1802 in this respect. It is therefore also without determining whether it is or is not constitutional.

And here I might properly terminate the case, but my respect for the able counsel who argued the case for the plaintiff, induces me to notice one other view, which he urged with great zeal and confidence and it is this—Congress had the power to establish a rule of naturalization and have done so, and the plaintiff has complied with it. It is immaterial whether the act of naturalization is judicial or not, or whether or not the Court had jurisdiction to perform it;—it was the appointed mode, and Congress had the power to appoint any mode and when the applicant complied with the appointed mode he secured all the rights offered by the act. And, although the plaintiff's naturalization in the City Court of Lexington was not by the act of a judicial officer, yet the act of jurisdiction, yet Congress had power to make it valid as an act of naturalization and having done so, citizenship is thereby conferred. It is a sufficient answer to this argument to say that the act of naturalization under the rule prescribed by Congress is judicial and not otherwise, and that the plaintiff must show title to citizenship through a judgment of a Court—*Spratt vs. Spratt*, 4 Peters, *Starke vs. the Chesapeake Insurance Company*, 7 Cranch—*Towles case*, 5 Leigh vs. Reports. Now has this plaintiff any judgment of citizenship? Has he offered any evidence of compliance with the act except the certificate granted him by the City Court? And is the decision of a Court without jurisdiction that he has complied with the act a judgment in any proper sense of the term? Is its certificate evidence of anything? The only answer that can be given to these questions is a sufficient refutation of the argument.

The conclusion which I have reached upon the second cause of demurrer renders it unnecessary to decide the third cause and it will be omitted until a case shall arise requiring it. Wherefore for the reasons given I am of opinion that the plaintiff is not a citizen and therefore had no right to vote and the defendant has inflicted upon him no injury for which he can maintain a suit, and the second cause of demurrer to the plaintiff's petition is sustained.

JOHNSON & THOMAS, for Plaintiffs. ROBERTSON & PREWITT, for Defendant.

A SURVIVOR OF THE KANE EXPLORING EXPEDITION IN LIMBO.—Wm. C. Godfrey, who rendered himself somewhat conspicuous by his conduct during the last Kane Expedition, and by his recent publication of a book of his adventures, was before Alderman Eneu this afternoon in a new character. He was charged with being guilty of bigamy and larceny.

Three of the reputed wives of Godfrey were present during the hearing, and they laughed and chatted with their husband as though they were not much distressed at the awkward predicament in which he had placed them.

Ellen Godfrey, formerly Ellen Reed, testified that she was married to Godfrey on the 20th of June last, upon State Magistrate (by Federal Slave Law) whilst a difference of opinion has existed, and may still exist on the first point, none is entertained by this Court, that State magistrates may, if they choose, exercise that authority, unless prohibited by State Legislation." I see nothing new or conflicting in this. By referring to the opinion at length, it will be seen that the Court expressly recognized the jurisdiction of the State magistrates under the Federal Slave Law, and in this dictum no allusion was made to the question under consideration, but to the other and different one, whether Congress could compel a State magistrate to exercise his State jurisdiction, where it was necessary to carry into effect the provisions of the United States Constitution, or an act of Congress, and the only point decided was, that it was obligatory with the State magistrates, even though they had jurisdiction, to do so.

Such is not the doctrine in regard to the Federal Judiciary, in the execution of the laws of Congress, or of the State judiciary, in regard to State laws. Parties having a right to invoke their action, may demand it, and the Court has no right to decline it. Their duty is not optional, but imperative. Nor is it to be inferred from this dictum, that it was intended by the Court to sanction the doctrine, that the action of a State Court, although authorized by an act of Congress—yet for the want of State Legislation, without jurisdiction—possessed any validity whatever. Upon this subject, Judge Trimble, in the case of *Elliot &c. vs. Piersol &c.*, 1 Peters, 340, says, "Where a court has jurisdiction, it has a right to decide every question which occurs in the cause, and whether its decision be correct or otherwise, its judgment until reversed, is regarded as binding upon the parties. But if it act without jurisdiction, its judgment and orders are regarded as nullities. They are not voidable, but simply void and form no bar to a recovery sought even prior to a reversal, in opposition to them. They constitute no justification, and all persons concerned in executing such judgments or sentences are considered in law as trespassers. This distinction runs through all the cases on the subject, and it proves that the jurisdiction of any Court exercising authority over the subject, may be inquired into, in any Court, when the proceedings of the former are relied on, and brought before the latter, by the party claiming the benefit of such proceedings."

Again, I am referred to the case of *Campbell vs. Gordon*, 6 Cranch and *Starke vs. Chesapeake Ins. Co.*, 7 Cranch, and divers decisions in the State Courts of Virginia, New York, Maryland and South Carolina, as in conflict with the views here expressed. A very brief examination will show that these cases have no bearing upon the question. First, it is to be remarked, that none of them is this question alluded to decided. Secondly, it did not arise in any of them. In the

case of *Campbell vs. Gordon* the alien was naturalized in a District Court of Virginia, and in the case of *Starke vs. the Chesapeake Ins. Co.*, the naturalization took place in a Court of Pennsylvania, and in the other cases the naturalization took place in the State Courts of the respective States in which they were reported. All these naturalizing Courts were Courts of general common law jurisdiction, and all of them had jurisdiction under a State statute passed before the adoption of the Federal Constitution. Now, although the laws of Congress superseded these several State statutes as to the mode of constituting aliens citizens they did not in express terms take away this antecedent jurisdiction of the State Courts limited in express terms authorized its exercise.

Now the question whether the State Courts can exercise an antecedent jurisdiction, concurrently with the United States Courts, upon those subjects over which Congress, under the Constitution, has the exclusive power of legislation, is very different from the one, whether Congress can confer jurisdiction, in the same class of cases, upon the State Courts which never had such antecedent jurisdiction, and none subsequently conferred by State law. Respectable authority may be found in support of the former proposition, (such as *Collett vs. Collett*, 2 Dallas and the cases I am considering), whilst nothing beyond a loose and inconsiderate practice, has been referred to, or found in support of the latter proposition. And must I give such authoritative weight to this practice, as to make a citizen in damages for disregarding it as having the force of law, and that, too, in the face of the decisions of the Supreme Court of U. S., and Court of Appeals of Kentucky, before quoted? I think not.

In discussing the question whether it was competent for Congress under the constitution to confer jurisdiction upon the State Courts, I do not intend to be understood as deciding that it has in express terms been done so by the act of 1802, or that the framers of that act in referring these applications to certain State Courts, intended any more than to waive the exclusive jurisdiction of the United States Courts and permit those State Courts which could rightfully do so to exercise a concurrent jurisdiction. I have considered this question of constitutional power because the plaintiffs counsel relied upon it to sustain his title to citizenship, and also because in the absence of State law giving jurisdiction, it might be implied from the language of the act of 1802. A decision against the power negatives the implied jurisdiction of the City Court as effectually as if the jurisdiction was attempted to be given in express terms and disposed of the plaintiffs title to citizenship without settling the proper construction of the act of 1802 in this respect. It is therefore also without determining whether it is or is not constitutional.

And here I might properly terminate the case, but my respect for the able counsel who argued the case for the plaintiff, induces me to notice one other view, which he urged with great zeal and confidence and it is this—Congress had the power to establish a rule of naturalization and have done so, and the plaintiff has complied with it. It is immaterial whether the act of naturalization is judicial or not, or whether or not the Court had jurisdiction to perform it;—it was the appointed mode, and Congress had the power to appoint any mode and when the applicant complied with the appointed mode he secured all the rights offered by the act. And, although the plaintiff's naturalization in the City Court of Lexington was not by the act of a judicial officer, yet the act of jurisdiction, yet Congress had power to make it valid as an act of naturalization and having done so, citizenship is thereby conferred. It is a sufficient answer to this argument to say that the act of naturalization under the rule prescribed by Congress is judicial and not otherwise, and that the plaintiff must show title to citizenship through a judgment of a Court—*Spratt vs. Spratt*, 4 Peters, *Starke vs. the Chesapeake Insurance Company*, 7 Cranch—*Towles case*, 5 Leigh vs. Reports. Now has this plaintiff any judgment of citizenship? Has he offered any evidence of compliance with the act except the certificate granted him by the City Court? And is the decision of a Court without jurisdiction that he has complied with the act a judgment in any proper sense of the term? Is its certificate evidence of anything? The only answer that can be given to these questions is a sufficient refutation of the argument.

THE GIRAFFE IS COMING

S. P. STICKNEY & CO'S GREAT SOUTHERN CIRCUS,

UNITED WITH

HERB DRIESBACH & CO'S

MENAGERIE

AND CIRCUS!

One Consolidated Exhibition!

THE LARGEST IN AMERICA!

250 MEN AND HORSES!!!

Only One Price to the whole!

MANAGER - - - C. L. WHEELER

CLOWN, SAM LATHROP.

A FULL MENAGERIE

Embracing all that is Rare and Instructive in the Animal World.

THE GIRAFFE.

The greatest Natural Curiosity ever with a travelling Exhibition—now attached to this mammoth enterprise—and is the

Only one Living

AMERICA,

And may be seen WITHOUT EXTRA CHARGE.

HANNIBAL,

THE MAMMOTH

Elephant!

Weighing 15,000 lbs.

THE LARGEST PAIR OF Asiatic Lions

Ever exhibited in any country.

DARING AND ENTERPRISING COURAGE OF AN ARAB

Dens of the Lions, Tigers, &c.

In conjunction with the above extensive Zoological Department, the managers have added

A Chaste and Elegant Circus!

CONSISTING OF

S. P. STICKNEY & FAMILY!

MILIE SALLIE, LA PETITE LILLA, MASTER ROBERT, and LITTLE SAM, ye old "Young America."

MILIE E. M. DICKENSON, E. D. SLOWMAN, HERB SHIEL, LESLIE MAY, and MESSRS. EDWARDS, DOOLY, NAPOLEON RENTZ, FILKINS, &c.

A freshly trained Stud of pure ARABIAN and ENGLISH BLOOD HORSES!

THE CELEBRATED TRICK PONIES! Black Jack, Dora, and Lightning.

MINUTEMEN'S MILITARY BAND Will delight all lovers of Music.

A MAGNIFICENT PROCESSION ON ENTERING TOWN For minute description, See large Pictorial, &c.

By J. P. FERGUSON, Agent

PARTICULAR ANNOUNCEMENT.

Persons living at a distance from the city are notified that about one o'clock in the afternoon a grand and rare ascension (by a young and beautiful lady, Milie Frederica) will be made upon a single wire from the ground to the top of the highest flagstaff outside of Driesbach & Co's mammoth pavilion, a distance of 200 feet and 48 feet from the ground. This dangerous feat will take place outside the pavilion, and, of course, FREE TO ALL.

WILL EXHIBIT AT SHELBYVILLE, Monday, September 28th.

FRANKFORT, Tuesday, September 29th.

GEORGETOWN, Wednesday, September 30th.

Doors open at 2 P. M. Admission 50 cents; Children and Servants 25.

Sept. 18th.

J. L. MOORE & SON

Are receiving an unusually

LARGE AND VARIED ASSORTMENT OF

FALL & WINTER GOODS,

MANY STYLES ENTIRELY NEW AND VERY HANDSOME.

Their custom is of the best, consequently prices very low.

Those wishing goods of superior quality at low rates, will do well to make them a visit.

Aug. 31, 1857—w.

HOWARD ASSOCIATION, PHILADELPHIA.

McLEAN'S

STRENGTHENING CORDIAL

AND BLOOD PURIFIER.

BEFORE TAKING AFTER TAKING

THE GREATEST REMEDY IN THE WORLD.

It is a natural and powerful remedy, and chemically combined with some of the most valuable medicinal roots, herbs and barks known to the mind of man, viz blood root, black root, wild cherry bark, yellow dock, dandelion, sarsaparilla, elder flowers, with others, producing the most infallible remedy for the restoration of health ever known.

Curing diseases by natural laws. When taken, its healing influences are felt coursing through every vein of the body, purifying and accelerating the circulation of the blood. It neutralizes any bilious matter in the stomach, and strengthens the whole organization.

McLean's Strengthening Cordial will effectually cure Liver complaint, Dyspepsia, Jaundice, and

Chronic or Nervous Debility, Diseases of the Kidneys, and all Diseases arising from a Disordered Liver or Stomach.

Dyspepsia, Heartburn, Inward Piles, Acidity or Sickening of the Stomach, Fullness of Blood to the Head, Head Pain or Swelling in the Head, Palpitation of the Heart, Fullness or Weight in the Stomach, Sour Eructations, Choking or Suffocating Feeling when lying down, Dryness or Yellowness of the Skin and Eyes, Night Sweats, Inward Fever Pain in the Small of the Back, Chest or Side, Sudden flushes of heat, Depressions of Spirits, Frightful Dreams, Languor, Despondency or any Nervous Disease, Sores or Blisters on the Skin, and Fever and Ague (or Chills and Fever). It will also cure diseases of the Bladder and Women, such as Seminal Weakness, Incontinence of Urine, Strangury, Inflammation or Weakness of the Womb or Bladder, Whites, &c.

THERE IS NO MISTAKE ABOUT IT.

This Cordial will never fail to cure any of the above diseases, if taken as per directions on each bottle, in German, English and French.

OVER HALF A MILLION OF BOTTLES

Have been sold during the past six months, and in no instance has it failed in giving entire satisfaction. Who, then, will suffer from weakness or debility when McLean's Strengthening Cordial will cure you.

TO THE LADIES.

Do you wish to be healthy and strong? Then go at once and get some of McLean's Cordial. It will strengthen and invigorate your blood to flow through every vein, and the rich rosy bloom of health to mount to your cheeks again. Every bottle warranted to give satisfaction.

FOR CHILDREN.

We say to parents, if your children are sickly, puny, or afflicted with complaints prevalent among children, give them a small quantity of McLean's Cordial, and it will make them healthy, fat, and robust. Delay not a moment, try it and you will be convinced.

IT IS DELICIOUS TO TAKE.

EVERY COUNTRY MERCHANT

Should not leave this city until he has procured a supply of McLean's Strengthening Cordial. It sells so rapidly, because it always cures. A liberal discount will be made to those who buy to sell again.

CAUTION.—Beware of drugstore dealers who try to palm upon you some Bitter Sarsaparilla, which they can buy cheap, by saying it is just as good. Avoid such men. Ask for McLean's Strengthening Cordial, and take nothing else. It is the only remedy which will purify the blood thoroughly, and at the same time strengthen the system.

One tablespoonful taken every morning fasting is a certain preventive for Cholera, Chills and Fever, Yellow Fever, or any prevalent disease.

Price only \$1 per bottle, or six bottles for \$5.

J. H. McLEAN, Sole proprietor of the Cordial.

Principal depot on the corner of Third and Pine sts., St. Louis, Mo.

For sale in Louisville by BELL, TALBOT & Co., Springer & Bro., and Raymond & Patten.

McLEAN'S VOLCANIC OIL LINIMENT.

The best liniment in

THE COMMONWEALTH.

FRANKFORT.

THOMAS M. GREEN, Editor.

WEDNESDAY, SEPTEMBER 23, 1857.

JUDGE GOODLOE'S DECISION.—In another column we publish the decision of Judge Goodloe in the case of Hagan vs. Dudley. Our readers will remember that Dudley was the Sheriff at one of the polls in Lexington, and consequently had the casting vote in the event of any difference of opinion arising in the minds of the Judges as to the right of any person to vote. Hagan is an Irishman who had been naturalized by the City Court of Lexington, within sixty days immediately preceding the day of the election. When he offered to vote the Judges of the polls differed as to his being a legal voter, and the case being referred to Dudley as Sheriff, he rejected Hagan's vote on the grounds, first, that the City Court of Lexington had no right to naturalize foreigners; and, second, that Hagan had not resided in that precinct sixty days after naturalization. This case embraces the points which were at issue between M. C. Johnson, Esq., and Judge Robertson.

The points which Judge Goodloe decides are about as follows: That the act of naturalization is a judicial and not a ministerial act. And in support of this opinion he cites the decision of Judge Thomas A. Marshall, formerly Chief Justice of the Court of Appeals of Kentucky, in the case of Gorham vs. Luckett, which reads as follows: "Whenever a matter is referred to a Court, involving the finding of a fact or decision of a question of law, the power is judicial." As in the act of naturalization the Court is compelled to examine witnesses, compare the testimony, if, of course, involves the finding of a fact, and is, therefore, according to the decision of the highest judicial authority in Kentucky, a judicial decision. But Judge Goodloe goes beyond the decision of our State Courts and appeals to the highest Court of the nation in support of this part of his decision. In the case of Spratt vs. Spratt the question directly arose before the Supreme Court of the United States upon the character of this process of naturalization, and it was decided by the Supreme Court that the act of naturalizing a foreigner was a judicial, and not a ministerial act. Judge Goodloe quotes from Chief Justice John Marshall on this case, as follows: "The various acts upon the subject submit the decision of the rights of aliens to admission as citizens to Courts of Record. They are to receive testimony, to compare it with the laws, and to judge on both law and fact. This judgment is entered on record as the judgment of the Court. It seems to us, if it be in legal form, to close all inquiry, and like every other judgment, to be complete evidence of its own validity." With such authority before him, Judge Goodloe decides, first, that the process of naturalization is a judicial act.

Having maintained this position by his own cogent arguments and fortified it by quoting the opinions of some of the ablest jurists the country has ever produced, Judge Goodloe further decides that Congress cannot confer judicial power upon any other than the Courts created by Congress. If there is any statute in the State conferring concurrent jurisdiction upon the State Courts, Congress may permit the exercise of such jurisdiction, but Congress cannot confer such jurisdiction upon the State Courts. In Kentucky there is no statute conferring the right of naturalization upon the City Court of Lexington, nor was that Court created by Congress, and, therefore, it had no legal authority whatever to naturalize the man Hagan. Having arrived at this conclusion, Judge Goodloe dismissed the case—the grounds of the demurrer, as to the non sufficient residence of Hagan, after naturalization, not being properly before him or embraced in the case.

For ourselves we shall not at present attempt to pass an opinion as to the correctness of Judge Goodloe's judgment, further than that it is an exceedingly able document, clear and directly to the point, and it will be a difficult matter for those differing from him to produce arguments which will have a tendency to overthrow those advanced by him. The Democratic party will hardly be expected to agree with Judge Goodloe, for, his decision takes the right of suffrage from a large number of their political allies. The case is an important one, and will, we learn, be brought before the Court of Appeals. If the case is decided by this Court adverse to Hagan it can then be carried to the Supreme Court of the United States. This, we hope, will be the ultimate resort of the Democrats who are conducting the prosecution of Dudley, as it is highly important that the matter should be settled in such a manner as to leave it beyond all dispute or cavil. In the meantime, may we not hope that the Democratic press of the State will, instead of denouncing Judge Goodloe personally for having given what appears to them to be a partisan decision, attempt to show in what respect the decision is incorrect? It is a question of law and not of politics, and it should be argued by those engaging in its discussion as lawyers and not as party politicians. The question is not whether it will be in favor of the American or the Democratic party, but it is one which involves the suffrage of many thousands of men who have heretofore voted. If the manner in which they have been naturalized is illegal, it is due to the native born citizen and to the legally naturalized foreigners that they should not be permitted to vote until they have complied with the requirements of the Constitution of the United States. But, if they have been legally naturalized, the right of suffrage ought by all means to be secured to them. The question can be definitely settled by the Supreme Court of the United States alone, and Democratic editors cannot assist that tribunal in forming a correct judgment as to the merits of the case by hurling their malicious and splenetic denunciations at Judge Goodloe.

THE BANK OF KANAWHA.—The Charleston Kanawha Republican, of September 16th, says: "Our gallant Bank of Kanawha has, we believe, completely weathered the storm—and has reached the port of safety. It has promptly and fairly met all its liabilities. If its notes are not at par everywhere, all we have got to say, is, they ought to be."

Mr. Ferguson, a wealthy citizen of Covington, has been arrested and held to bail in \$3,000 for assisting in the escape of fugitive slaves. Two negroes were implicated with him.

PERSONAL.—James Russell Lowell, Esq., was married at Portland on Wednesday to Miss Frances Dunlap, niece of ex-Governor Dunlap, of Portland. The ceremony took place at St. John's Church.

THE GIRAFFE AND CIRCUS.—Our readers will see that on next Tuesday, they will have an opportunity to see a living Giraffe, which they may never have again, as this is said to be the only one in the United States. Other rare animals will also be exhibited. S. P. STICKNEY who is so well known as the best rider on 4 and 6 horses, who has ever appeared before the public, will also be here, and give an exhibition at the same time, in connection with the Menagerie. We take the following from the Journal, in relation to Stickney's performance in Louisville on Monday last:

THE CIRCUS.—Mr. Stickney, the Napoleon of equestrian and equestrian exhibitions, opened his pavilion last night to an immense audience. The riding of both males and females was splendid. Mr. S. has a splendid stud of horses, and the laundries he has gained in former years of riding will remain unfaded. The band of music is excellent. The clown is one of the best we have ever seen. Barring Shakespearean quotations, he fully equals Dan Rice.

A JOHN DEAN CASE IN BOSTON.—While the moral sense of the aristocratic circles of this community was shocked by the late elopement of John Dean, a coachman, with the young daughter of a wealthy New Yorker, it was little dreamt that in those very aristocratic circles here, Cupid, in the garb of Jehu, had fired one of his unerring darts and pierced the heart of one of the daughters of one of the first houses on the fashionable row of Boston. But it was even so. Yet whether the occurrences were cotemporary, and the shafts of the bewitching little God of the East, or the heart of the New York daughter and the Boston daughter at the same time, it is not within our information to decide. Still it is a fact, that both young ladies became enamored of the family coachman, and both pursued the same means to gratify their passions—that is, to elope, and, finding a convenient clergyman, got united, as a man and wife should be, in lawful wedlock. Like John Dean, the coachman of Boston, or any other efficient officer of his friend, and relation by marriage, they got married—like the New York elopers. But it is not true, so far as we can learn, that the family of the Boston lady pursued her, called upon the Deputy Chief of Police, or officer Oliver, or officer Jellison, or officer Jones, or officer Marsh, or officer Eaton, or any other efficient officer of the Police, to bring back the runaway lady, at all hazards. The family simply said, "She has gone—she has thrown herself away on a miserable coachman—let her go—she is discarded, now and forever." And so the matter rests.—*Boston News Letter*, Sept. 12.

Had the young lady been kept at school for a year or two longer she would not have been near so likely to have made such a fool of herself.—*She finished her education much too soon.*

TREATY BETWEEN GREAT BRITAIN AND HONDURAS.—A treaty of trade and navigation between Her Majesty and the Republic of Honduras, signed on the 27th of August, 1856, has just been printed. It is to endure seven years from the date of the ratification. The most important article is an additional one relative to the right of way by the interoceanic route, the Honduras Government agreeing that the right of way over any such route, from sea to sea, shall be at all times open and free to the Government and subjects of Great Britain "for all lawful purposes," and that no tolls or dues shall be imposed upon the transit of property or on the public mails of Great Britain. The Republic also engages to establish free ports at the extremities "of the contemplated route. In return for these concessions, England recognizes the rights of sovereignty and jurisdiction of Honduras in and over the line of the said road, and guarantees the entire neutrality of the same, with the proviso that her guarantee and protection may be withdrawn if the company managing the road adopt regulations contrary to the spirit and intention of this article of the treaty."—*London Times*.

EXTRAORDINARY DECISION.—In New Jersey a Tenant who sets fire to the House he Occupies does not Commit Arson.—In the Gloucester courts a few days since, the case of the State vs. James A. Scott, for arson, was tried. The prosecutor stated that defendant had rented a frame building, purchased a stock of tools and materials, for which he had not paid, obtained insurance on them, and then set fire to the building. The counsel for the prisoner moved to quash the indictment, insisting that the act was not an indictable offense under the laws of this State; he held that, by the common law of England, it was not felony for a man to burn his own property, and, as tenant, the property was his own, pro tempore. Mr. B. supported his position by quotations from numerous authorities. Judge Potts sustained the exception taken by the defendant, and stated that, in order to make the charge of burning a felony, under the common law, it must be the property of another, that much discussion had arisen relative to the actual meaning of the term "another," and that the British Parliament, in view of the doubtful construction of the law, had enacted a special statute which was also the case in several States of this Union; that there was no such law in this State; he also affirmed the right of ownership, as existing in the tenant for the term of his lease, and in reply to a suggestion that the lease was a verbal one, remarked that "a verbal lease is good enough in this State." The case was accordingly dismissed and the prisoner released.—*Newark (N. J.) Advertiser*.

IT appears that four more cargoes of negroes from Africa, numbering 1,783 likely hands, have been landed on the Cuban coast, within half a mile of the country seat of the Governor, General Concha. These negroes, who are obtained on the African coast at very little cost, are said to be worth in the aggregate \$1,069,800. The enormous profits of the slave trade embolden the traders to run all risks. The combined British and American fleets on the African coast cannot stop the trade.

SENTENCED TO BE HUNG.—Wm. McAllister, the first settler and original owner of the land on which Albion, Orleans county, N. Y., stands, has been sentenced to be hung on the 23d of October, for firing the house of the county superintendent. McAllister is 78 years of age. He received his sentence with the most perfect indifference.

THE NEW YORK MIRROR says that the investigation into the affairs of the Ohio Life and Trust Company, which has been going on for some time, shows a better state of things than was expected. It was stated that there are large credits which will be ample to pay off all the Company's indebtedness and leave something to the stockholders. The stock sold at the low figure of 8½.

SALE OF THE TRUST COMPANY BUILDING.—The well known Trust Company building, south-west corner of Third and Main streets, Cincinnati, has been sold at private sale to the Merchant's Bank of Cleveland, for \$125,000. The Trust Company was indebted to the Merchant's Bank in a sum greater than that at which the building was valued. The balance of indebtedness has been liquidated by the transfer of other real estate, so that all legal proceedings commenced by the Cleveland Bank have been withdrawn.

Dr. J. E. Manlove, a distinguished physician of Tennessee, says that "hog cholera," which is destroying so many swine throughout the West, is a disease of the lungs, and not cholera as generally supposed. He thinks its cause is evidently of atmospheric origin.

Later from Central America.

The following letter gives the latest news from Central America:

Special correspondence of the N. O. Picayune.
PANAMA, Sept. 3, 1857.
The English merchant brig Calder, from Punta Arenas, which port she left on the 9th of August, arrived in the bay of Panama on the 23d. By this arrival I am enabled to send you six days later advice from Costa Rica.

Nothing of very special interest has transpired in that Republic, except the issuing of the following proclamation by President Mora, in reference to Walker's contemplated invasion of Central America, and a decree granting to a scientific society of Paris the exclusive privilege of establishing a line of telegraph in Costa Rica.

Juan Rafael Mora, President of the Republic of Costa Rica, considering:
That in the United States recruiting is going on for the purpose of invading Central America again; that Wm. Walker being the promoter of the recruiting; and that he does it without a legal mission, without a flag and without justice; and only for the purpose of conquering Central America and planting on its soil the slavery of man by man, which the religion and civilization of the age are opposed to, and which our laws expressly forbid, that for such acts he and those who accompany him place themselves in the position of pirates.

Art. 1. If in an unexpected manner, and by avoiding the vigilance of the authorities of the Union, any party of armed men present themselves, whether commanded by Wm. Walker or by any of his agents, and invade any port of Costa Rica, or any of the allied States of Central America, with the intention of possessing themselves of all or any part of them, in the said act of landing on the shore they will be considered as pirates, and as such shall remain beyond the protection of the laws.

Art. 2. All those who have served in the ranks of Walker cannot return to the Republic for any purpose, without the previous permission of the government; and those who at present reside in the State shall leave it within thirty days, reckoning from the date of this decree; but those who exercise any honest profession, and conduct themselves properly, proving the same to the Chief of Police, can remain in the State, with the previous written permit which shall be given to them.

Art. 3. The present decree shall be made known to the governments of the other Central American States, in case they should think proper to adopt it. It shall also be made known to all the Spanish American governments, to the representatives of the Republic abroad, and to the diplomatic corps.

Given in the National Palace, in the office of the Secretary of War, in the City of San Jose, August 7, 1857. JUAN RAFAEL MORA, President. G. ESCALANTE, Minister of War.

Important from Lima.—Assassination of the British Minister.—In the United States Flag.—The Panama Star, of the 3d inst., publishes the following news from the South Pacific:
"PERU.—Dates from Callao are to August 12. 'The painful news of the assassination of S. E. Sullivan, Esq., the British Minister at Lima, is announced. He was killed by six Peruvians. 'The Viceroy has ordered an inquiry to be made into the matter. It is supposed that he was murdered for the British interference in the matter of the Tumbes and Loa."
"Mr. Sullivan was dining alone, when six men, masked, entered and fired three shots, one of which is fatal, having entered the groin and passed up into the lungs. After the deed was done one of them exclaimed, 'I am now satisfied,' and then they all disappeared. There is a desire on the part of the Peruvians to throw the whole matter as the result of an intrigue with a lady. Be that as it may, the Government feels alarmed as to what the result will be."
"The steamers Ucalya and Tumbes are going south to bring back General Castilla, and probably some troops."

"A Frenchman and a negro have been just arrested on suspicion of being accomplices of the assassination of Mr. Sullivan. There are not the slightest hopes of his recovering."
"On Saturday, the 8th of August, an armed boat was sent on board the American ship John Milton by order of the captain of the port, and forcibly took out three of the crew, and brought them on shore, and again on the same day, by the same authority, four others were taken from the Morning Glory, assigning no other reason than that of night. The commanders of these ships have laid their case before Mr. Clay, our Minister. He has demanded that the men be placed on board their ships again, and an apology for the insult to our flag."

Special Correspondence of the Picayune.
PANAMA, Sept. 3, 1857.
The great feature of interest in Panama during the last fortnight was the visit of Com. Paulding, of the Home Squadron, accompanied by a corps of scientific officers, the object of his visit being to explore the route from Aspinwall to Panama, along the line of the railroad, with a view of testing its practicability for a ship canal. The Commodore and his party left Aspinwall early on the morning of August 30th, in a special train of cars, and arrived at Panama late in the evening of the same day, having taken it leisurely, in order to make a thorough examination of the country through which they passed. Next morning, a party, detailed specially for the purpose by Com. Paulding, undertook the survey of the harbor of Panama. Among the party was Lieut. Garland, U. S. Navy, who accompanied Lieut. Strain's expedition to Darien.

The result of this expedition under Com. Paulding is satisfactory in the highest degree. Every officer connected with it, as I am credibly informed, is decidedly of the opinion that an interoceanic ship canal from Aspinwall to Panama is entirely practicable, the distance being shorter and fewer obstacles intervening than between any other points on the Isthmus.

This exploration having been made by order of our Government, may be regarded as no less important than significant, from which great results may be expected.

During Com. Paulding's stay here, he and his officers were complimented with a dinner, given by Col. Totten, chief engineer of the railroad, which was attended by several of our prominent citizens.

On the 7th, the party visited the Island of Tobago, and those nearer the town, upon which the works of the Pacific Mail Steamship Co. are established, and in the evening sat down to a most elegant repast on board the steamship Golden Age, prepared for her hospitable commander Captain J. T. Watkins. The little steamer Taboga conveyed the party to and from the town and islands, having been kindly furnished by Capt. McLane, the company's popular agent at this place.

Interesting from Siam.
WASHINGTON, Sept. 16.
Official advices are received from Commander Foote, of the sloop-of-war Portsmouth, dated on Menam River, Siam, June 16th. On arriving he proceeded, in the King's steamer, to Bangkok, with Consul Bradley, the bearer of the treaty concluded between the United States and Siam. During their stay they were presented to the two Kings of the country, and were received with marked consideration by all the members of the Court. The second King, by invitation, visited the Portsmouth on board a foreign vessel. A King of Siam going on board a foreign vessel. The King sent a present of lamp-oil, rice, sugar, bread, fish, and fruit to the ship, for which payment was positively declined. Commander Foote is of the opinion that the treaties between Siam, Great Britain, France, and the United States are rapidly developing the resources of that country. Several vessels were about leaving for the United States with the chief staple of the country.

Of the sixty millions of domestic specie exported during the year ending the 30th of June, thirty-one millions and nearly a third was bullion; and of the upwards of twelve millions and a half of specie imported little less than half was bullion. The above makes more specific the official table recently published.

Correspondence of the St. Louis Democrat.

From Kansas.
Lawrence, Sept. 14, 1857.

The first business which occupied the convention was the election of a printer. The rival candidates for the honor of printing for the convention, and receiving pay in territorial scrip, were the editors of the National Democrat, published at Leecompton, and the Leavenworth Journal.—The Democrat is Walker's special organ, and the whole of the Governor's influence was used in advancing its claims. It was of no avail.—Mr. Henderson of the Journal, was elected by a considerable majority.

Upon suggestion, a committee was appointed by the chair to form a list of business committees. The following is the order of their report: 1, executive; 2, judiciary; 3, legislative; 4, slavery; 5, bill of rights; 6, finance; 7, incorporation; 8, revenue; 9, election and right of suffrage; 10, education; 11, internal improvements; 12, State and county boundaries; 13, miscellaneous matters.

The question of adjournment was then agitated. It was finally decided that the convention should reassemble at Leecompton on the third Monday in October next. After this had been decided, the convention adjourned.

The adjournment was a cut-and-dried affair from the first. The real object of the adjournment may be briefly stated as follows: It is the intention of the convention to form an exceedingly violent pro-slavery constitution. They well know that if such a constitution they propose to adopt be made public at present, the cause of Liberty and Democracy in some of the Northern States, where elections are soon to be held, will be very much damaged.

Lawrence is vacated. The siege is raised, and not a tent nor a drunken soldier remains to tell the tale. The six hundred dragoons who constituted Walker's force at this place, are, according to report, on the march for Utah. They are going there to assist Col. Cummings, the newly appointed Governor, in enforcing the law.

FROM THE SLOOP-OF-WAR PLYMOUTH.—The Navy Department have dispatched from Commander Foote, in command of this ship, dated "Off Merian river, Siam," June 16th last. The Plymouth reached Siam from Singapore on the 2d of May last, six days from that port. Commander Foote, and all the officers to be spared for such an expedition, accompanied Mr. Consul Bradley, the bearer of the treaty, went in the King's steamer to Bangkok, where they found ample accommodations provided for them by the King's directions. Commander Foote was present at the first interview between Mr. Bradley and the Siam Commissioners, where the treaty was first discussed, relative particularly to our Senate's rejection of the fifth article.

During their stay at Bangkok, they, the officers, were presented to both Kings, and were treated with distinguished consideration.

The second King having manifested much interest in the ship, her armament, &c., was invited to go on board, which he did—his visit being the first Royal Siam visit to a ship of any foreign nation. He was accompanied by a suite of twenty princes and nobles, and spent the greater part of two days on board, going ashore at night. A royal salute was fired in his honor, the battery was exercised, and the ship maneuvered for his entertainment, &c. He sent presents of food and other necessary articles on board, for which payment was positively declined.

The treaties of Siam with the United States and Western European nations are doing much for the development of the commercial resources of the nation. Sugar and rice are the principal exports, and though the Siam machinery for the manufacture of the former is most imperfect, it is very abundant and cheap—\$3 or \$4 per hundred. Several vessels were then loading it for the United States. The export of rice to China is very great, and there were then in port there, six American vessels, besides many of other nations, loading it for Hong Kong. The Chinese are their agriculturalists, mechanics, and laborers.

Commander Foote attributes to the influence of the American missionaries the formation of most of the late treaties of Siam with Western nations, which he thinks, are already enabling that country to progress so rapidly.—*Washington Star*.

Correspondence of the Philadelphia Bulletin.
MISSION ROOMS, NEW YORK, September 16, 1857.
EDITORS BULLETIN: Your readers will, doubtless, learn with great pleasure, that we have received letters by the Persia, from Rev. Wm. Butler, superintendent of our mission in India, dated June 22d, which of course assures us of the safety of himself and family. He anticipates the restoration of order on the fall of Delhi, and judges this event will happen in two months from the time of the writing.

FEARFUL ENCOUNTER.—A large rattlesnake was caught in Virginia a few days since, and confined in a cage. A cat, which had forfeited her right to existence by sundry depredations among chickens, was sentenced to go in on a visit to his snake-ship. Of course a fight took place, and it is described as terrific. When it ended both animals were dead.

COURT OF APPEALS.

MONDAY, Sept. 21.

The Court of Appeals met: Present WHEAT, Chief Justice, and STITES and DUVAL, Judges:
ORDERS.
McCallister v. Torian, judgment, Trigg; Griffin v. Seward, judgment, Pendleton; Taylor v. Wilson, judgment, Trigg; Hays v. McNary, judgment, Christian; Catlett & Co. v. Dillon, &c., judgment, Fulton; appeals dismissed.

Coleman v. Dance, judgment, Pendleton; Morris v. Keete, judgment, Pendleton; Scott v. Glenn, judgment, Boone; Bush v. Graves, judgment, Boone; Woods v. Harrison, judgment, Campbell; Johnson v. Digby, judgment, Campbell; Clarkson v. Hall, judgment, Kenton; Covington v. Austin, judgment, Kenton; Rich v. Foy, judgment, Kenton; McKay v. Shotwell, judgment, Kenton; Greer v. Butler, judgment, Kenton—were argued.

Judge SIMPSON attended to-day.
TUESDAY, Sept. 22.
CAUSES DECIDED.
McKay v. Shotwell, Kenton; affirmed. Rich v. Foy, Kenton; affirmed. Clarkson v. Hall, Kenton; affirmed. Scott v. Glenn, Boone; affirmed. Coleman v. Dance, Pendleton; reversed. Morris v. Keete, Pendleton; reversed.

ORDERS.
Sanford v. McArthur, Campbell; Scott v. Sams, Campbell; Mercantile Ins. Co. v. Phipps, Kenton; Hartsman v. Cox & Lex. R. Kenton; Suggitt v. Taylor, Carter; Lewis C. C. v. Carter C. C., Carter—were argued.

Commissioner's Sale.
BY VIRTUE of a decree of the Franklin Circuit Court, I, as Commissioner appointed by the Court, will expose to sale, at the Court House door, at Frankfort, on Monday, October 5th, 1857, The remaining portion of the unsold land of S. F. J. Trubee, lying about five miles from Frankfort, and bounded by the lands of Graham's Heirs, Washington Hancock, Several Breckenridge, and about ONE HUNDRED ACRES, with the stream Dry Run passing through one corner of it. Possession to be given the 1st day of March next.

IN EQUITY, in equal installments of twelve, eighteen, and twenty-four months from day of sale, bearing interest from date. Bond and approved security required from the purchaser. The land is well improved, and a ten retained upon the land for the payment of the purchase money.
JOHN RODMAN, Assignee of S. F. J. Trubee.
Sept. 1, 1857—td.

SPECIAL NOTICES.

Ascension Church.
The Central Convocation of the Diocese of Kentucky will assemble in this church on the 24th September. There will be Divine Service on Thursday and Friday, at 11 o'clock, A. M. and 7½ at night. The business meetings will be held in the chapel in the afternoon.
Sept. 21—td.

Large Stock of New Fall and Winter Goods.

TATE & CHINN are now receiving one of the largest stocks of new and fashionable goods ever brought to this market, which they intend selling as cheap as any house in this city. They would solicit the attention of the young men to their assortment of superior VESTINGS, CASIMERES, CLOTHS, &c. They have also in addition to their large stock of Dry Goods a handsome assortment of QUEENSWARE, to which the attention of housekeepers is respectfully invited. Give them a call, as you will certainly lose nothing by so doing.
September, 14, 1857—td.

Assistant Clerk of the Senate.
We are authorized to announce CHARLES E. NOURSE a candidate for Assistant Clerk of the Senate.
[Sept. 11—td.]

Assistant Clerk of the Senate.
We are authorized to announce Edward Hensley as a candidate for Assistant Clerk of the Senate of the next General Assembly.
Sept. 7—td.

Assistant Clerk of the Senate.
We are authorized to announce Mr. I. T. CAVINS as a candidate for Doorkeeper of the Senate at the next Session of the Legislature.
Sept. 11—td.

Assistant Clerk of the Senate.
We are authorized to announce Jno. W. PRUETT as a candidate for Sergeant-at-Arms of the Senate of Kentucky at the next session of the Legislature.
Sept. 11—td.

Assistant Clerk of the Senate.
We are authorized to announce Dr. J. RUSSELL HAWKINS as a candidate for the office of Clerk of the next Senate.
Sept. 11—td.

New Goods.
R. Runyan, at Baker & Runyan's old stand, is now receiving a large stock of FALL AND WINTER DRY GOODS, SHOES, QUEENSWARE, &c., &c., all of which he will sell LOW FOR CASH, or on credit, till 1st of Jan. next. He will sell his goods as low as the lowest.—Please give him a call.
Sept. 2, 1857—td.

New Goods!
R. W. BLACKBURN has received a large and handsome stock of FANCY and STAPLE DRY GOODS, which are offered to purchasers on the very best terms. All orders to the East or adjoining cities, punctually attended to. Those wishing to pay cash for Goods, cannot do better than to call on BLACKBURN. He will be receiving new Styles of Goods during the Season.
Aug. 31, 1857—td.

Frankfort High School.
The next (14) session of this School will open on the 14th day of September next.
A limited number of pupils received.
The course of study includes a preparation for the Sophomore class in College, and a thorough acquaintance with the theory and practice of Book-keeping, Surveying, and Civil Engineering in all its branches.

Terms per session of 20 weeks:
Board and Tuition, \$50
Tuition alone, \$20
No deduction for absence.
E. A. GRANT, Principal.
Aug. 24, 1857—w&tv1m.

Youghiogheny Coal.
13,000 BUSHELS, just received and for sale by
July 1,—td.
R. C. STEELE & CO.

NOTICE.

WE are now receiving and opening a new stock of
Boots, Shoes, Books & Stationery,
And the latest style of
MEN AND BOYS HATS,
Which we offer for sale as low as they can be bought in any retail market.
We return our thanks to all our patrons for past favors and would be pleased to see them at our old stand.
July 22, 1857—td.
MORRIS & HAMPTON.

Expedition for Liberia.
Free persons of color wishing to emigrate to Liberia, Africa, will apply to ALEX. M. COWAN, Frankfort, Ky. The ship will sail on Nov. 1, 1857. The expense of going to Liberia from Kentucky will be defrayed by the State appropriation to aid free blacks living in Kentucky to go to Liberia. The vessel will take other emigrants who have the liberty to go to Liberia.
May 11, 1857—6m.

LOCUST HILL FEMALE ACADEMY.
UNAVOIDABLE circumstances will prevent the resumption of the exercises of this institution before Monday, October 26th.
On that day the NINTH ANNUAL SESSION will commence, and continue without interruption till the first of July next.
Owing to this delay the Principal will be unable to teach a full session of forty weeks, but charges for board and tuition will be made at those rates. No deduction for absence, except in cases of protracted illness. It is requested that all pupils will provide themselves with dark worsted dresses for Winter wear.

TERMS.
For board and tuition, per session of forty weeks, \$140 00
For a full session of forty weeks, but charges for board and tuition will be made at those rates. No deduction for absence, except in cases of protracted illness. It is requested that all pupils will provide themselves with dark worsted dresses for Winter wear.
B. W. TWYMAN, Principal.
Sept. 21—3m.

Proclamation by the Governor.
In the name and by the authority of the Commonwealth of Kentucky
WHEREAS, it has been made known to me that JNO. HENSON, WILLY HENSON, JAMES HENSON, JAMES MAUPIN and WILLIAM GOODIN did, on the 1st of Sept. 1857 in the county of Marshall, kill and murder ELIAS HOPKINS, and have fled from Justice. Now, therefore, I, CHARLES S. MOREHEAD, Governor of the Commonwealth aforesaid, do hereby offer a reward of Five Hundred Dollars for the apprehension of said persons or \$100 for either of them and their delivery to the Jailor of Marshall county, within one year from the date hereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the seal of the Commonwealth to be affixed. Done at Frankfort, this 19th day of September, A. D. 1857, and in the sixty-sixth year of the Commonwealth.
By the Governor: C. S. MOREHEAD.
Mason Brown, Secretary of State.

DESCRIPTION.
WILLY HENSON, about forty years old; five feet ten inches high; weighs about one hundred and fifty pounds; quick spoken; slightly grey.
JAMES HENSON, about twenty years old; five feet ten inches high; weighs about one hundred and forty pounds.
JAMES HENSON, about eighteen years old; five feet ten inches high; weighs about one hundred and forty pounds.
The above make more specific the official table recently published.

AMERICAN CENTRAL R. R. LINE.

MARIETTA & CINCINNATI
RAILROAD.
The Most Direct Route to
PARKERSBURG, BALTIMORE, WASHINGTON, PHILADELPHIA, AND NEW YORK.

Only one Change of Cars between Cincinnati and Baltimore.

On and after Monday, August 31, 1857, trains will run as follows:
Baltimore and Cincinnati Express.
Will leave Cincinnati at 6:25 A. M. One hour for dinner on the steamer John Buck, at 2:30 P. M.; arrive at Grafton at 8:14 P. M.; 30 minutes for supper; arrive at Baltimore at 8:30 A. M. next morning; at Philadelphia at 1:00 P. M. and New York at 6:00 P. M.

Chillicothe and Hillsborough Accommodation.
Will leave Cincinnati at 3:30 P. M., stopping at all stations. Arrive at Hillsborough at 6:45 P. M.; Chillicothe at 8:25 P. M.
Baltimore and Cincinnati Night Express.
Will leave Cincinnati at 8 P. M.; arrive at Scot's Landing at 6:45 A. M.; one hour for breakfast on the steamer John Buck, Leave Parkersburg at 5 A. M.; arrive at Grafton at 1:30 P. M.; and Baltimore at 3:30 A. M. next morning.
The P. M. train will leave on Sunday, instead of Saturday.

Passengers taking this route will save both in time, distance and comfort, and will not be subjected to frequent changes of cars, and the risk of missing connections, as other routes.
Baggage checked through to Baltimore, Philadelphia, Washington City and New York.
Through tickets can be obtained at the Company's Offices under the Spencer House, No. 3 Burnett House, and at the Ticket Offices at the Little Miami Depot.

Ask for Tickets via Marietta.
GEORGE BARNES, Superintendent.
JOHN FOGGITT, General Ticket Agent.
Sept. 21—td.

JOHN FLOURNOY,
Attorney at Law, Notary Public,
DEVOTES HIMSELF TO THE
COMMERCIAL & ADMIRALTY PRACTICE,
ST. LOUIS, MO.
(COLLECTIONS in all parts of Missouri and Illinois attended to, prompt remittances made, correspondence solicited, and information cheerfully given.)
REFERS, BY PERMISSION, TO
THOS. P. PARSONS, L. L. D., Professor of Law, Cambridge, Mass.

